

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 27, 2006

DIVISION ONE

B177702 E & L Legal and Tax Services (Not for Publication)
 v.
 City of La Puente

The judgment is affirmed. City of La Puente shall recover costs of appeal.

Mallano, Acting P.J.

I concur: Rothschild, J.
I concur in judgment only: Vogel (Miriam A.), J.

B185064 People (Not for Publication)
 v.
 Raymond Lorenzo Amaro

The judgment is affirmed.

Mallano, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Rothschild, J.

B186955 People (Not for Publication)
 v.
 Ronald Gray Gachis

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Rothschild, J.

April 27, 2006 (Continued)

DIVISION ONE (Continued)

B173230 McMurray
 v.
 City of Burbank

Filed order modifying opinion. Petition for rehearing is denied.
(No change in the judgment)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B183708 People v. Garcia
B181670 People v. Arenas
B183370 People v. Dontae D.
B182834 Micro Technology Concepts, Inc. v. Computrend, Inc.
B183288 People v. Lewis
B182417 People v. Gonzalez
B184705 People v. Douglas
B185156 In re: Drevontae G.
B186486 In re: James N.
B185717 In re: Hope D.
B186825 In re: Kendale B.
B186771 In re: Brittney C.

Argument waived, cause submitted.

B183961 MSPAL, INC.
 v.
 Xiamen Xiashun Aluminum Foil

Merits:

Argued by Douglas C. Biggins for appellant and by William M. Walker for
respondent. Cause submitted.

DIVISION TWO (Continued)

B186389 Cohen
 v.
 Assor

Merits:

Argued by Peter R. Dion-Kindem for appellant and by Edward M. Bialack for respondent. Cause submitted.

B179194 James
 v.
 Shapiro, et al.

Merits:

Argued by James Autrey for appellant and by Mark E. Goldsmith for respondents. Cause submitted.

B172637 Fauser
 v.
 Venouziou

Merits:

Argued by Michael P. Rubin for appellant and by Franklin T. Bigelow for respondent. Cause submitted.

B179848 Fields
 v.
 Yusuf, M.D.

Merits:

Argued by Andrew N. Chang for appellant and by Jens B. Koepke for respondent. Cause argued but submission deferred pending representation of deceased and possible additional argument.

Court recessed.

April 27, 2006 (Continued)

DIVISION TWO (Continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

B186280 People
 v.
 Luckey

Merits:
Argued by Hyman Sisman, Dep. D.A. for appellant and by Monnica L.
Thelen, Dep. P.D. for respondent. Cause submitted.

B183385 People
 v.
 Sin

Merits:
Argued by Kevin D. Sheehy for appellant and by Catherine Okawa Kohm,
Deputy Attorney General for respondent. Cause submitted.

B182775 Eddins
 v.
 Kiongozi J.

Merits:
Argued by John L. Dodd for appellant and by Janette F. Cochran for
respondent. Cause submitted.

B183488 Chadwick
 v.
 Graydon

Merits:
Argued by Constantin Marcou for appellant and by Cary W. Goldstein for
respondent. Cause submitted.

Court adjourned.

April 27, 2006 (Continued)

DIVISION TWO (Continued)

B181249 Gil et al. (Certified for Publication)
v.
Bank of America, National Association

We conclude that the trial court did not err in sustaining the demurrer to the cause of action for fraud. Accordingly, it follows that as to the negligence and fraud causes of action, appellants are not entitled to specific, consequential or punitive damages. The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B181453 520 North La Brea LLC (Not for Publication)
v.
Cook et al.

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B176217 Waite et al. (Not for Publication)
v.
California Insurance Guarantee Association

The judgment is affirmed. Appellants shall bear the costs on appeal

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

April 27, 2006 (Continued)

DIVISION TWO (Continued)

B181094 People (Not for Publication)
v.
Rodriguez, Pena & Soto

The judgments are affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B186656 People (Not for Publication)
v.
Hernandez

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B186298 Los Angeles County, D.C.S. (Not for Publication)
v.
Julie L. et al.

The orders are affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B175596 American Recycling International Inc. et al. (Not for Publication)
v.
State Compensation Insurance Fund

As to American Recycling, the judgment is affirmed, and the appeal from the order dismissing its class allegations is dismissed as moot. SCIF shall recover its appeal costs from American Recycling.

As to Wall Units, the summary judgment and order dismissing its class allegations are reversed. Wall Units shall recover its appeal costs from SCIF.

As to both, the appeal from the order sustaining the demurrer of SCIF without leave to amend is dismissed as having been taken from a nonappealable order. Each party is to bear its own appeal costs.

Boren, P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION THREE

B183546 People (Not for Publication)
v.
Bruce Ingram

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

April 27, 2006 (Continued)

DIVISION THREE (Continued)

B176764 People (Not for Publication)
v.
Jose Manuel Rivas

The judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the trial court's order that appellant register as a sex offender.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B179478 Olinick (Certified for Publication)
v.
BMG Entertainment, et al.

The order is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B178694 Pacific Shore Funding (Certified for Partial Publication)
v.
Lozo, et al.

The judgment is reversed. Respondent to pay costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

April 27, 2006 (Continued)

DIVISION THREE (Continued)

B176419 People (Not for Publication)
v.
Booker

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B181518 Harry J. Wilson Jr. et al
v.
City National Bank et al.,

Filed order modifying opinion. Petition for rehearing is denied.
(No change in the judgment)

DIVISION FOUR

B180803 People (Not for Publication)
v.
Romero

The judgment is reversed with regard to the two-year enhancement imposed pursuant to section 422.75. In all other respects, the judgment is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.
Willhite, J.

April 27, 2006 (Continued)

DIVISION FOUR (Continued)

B179537 ARP Pharmacy Services, Inc. (Certified for Publication)
v.
Gallagher Bassett Services, Inc., et al.

The judgment and order are affirmed. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur: Curry, J.
 Willhite, J.

B186640 People (Not for Publication)
v.
Miles

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Hastings, J. (Assigned)

DIVISION FIVE

B173325 Talbot Partners et al (Not for Publication)
v.
TIG Insurance Company

The judgment is reversed. Since the elements lack of probable cause and favorable termination of the mechanic's lien claim have been decided in Talbot's favor, the matter is remanded to the trial court for resolution of the remaining issues. Talbot is to recover its costs of appeal.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

April 27, 2006 (Continued)

DIVISION FIVE (Continued)

B185543 People (Not for Publication)
v.
Robert R.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B181250 Orlyn et al., (Not for Publication)
v.
Novastar Mortgage, Inc.,

The order of the trial court denying the motion for claim of exemption is affirmed. Costs to respondent on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

April 27, 2006 (Continued)

DIVISION EIGHT (Continued)

B176369 People (Certified for Publication)
v.
Mojica

For the reasons set forth above, the judgment is reversed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B185633 Los Angeles County, D.C.S. (Not for Publication)
v.
Tramaine H.,
In re A.H., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B184126 People (Not for Publication)
v.
Pena

The judgment and sentence is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

April 27, 2006 (Continued)

DIVISION EIGHT (Continued)

[illegible]

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B169636 Consumer Advocacy Group,
v.
Kintetsu Enterprises Company of America et al.,

Filed order vacating submission order of January 31, 2006. Subsequent to oral argument Justice Madeleine Flier recused herself from consideration of this matter. Oral argument is re-calendared for May 31, 2006, at 10:00 a.m.